

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION NOS.
)	99-30225-MAP
)	(Consolidated)
Plaintiff,)	
)	
v.)	
)	
GENERAL ELECTRIC COMPANY,)	
)	
Defendant.)	
_____)	

UNITED STATES MOTION TO ENTER CONSENT DECREE

Plaintiff, the United States of America, respectfully moves this Court to approve, sign and enter as a final judgment the Consent Decree which was lodged with this Court on October 7, 1999 ("the Decree"). The Decree resolves the Plaintiffs claims against defendant General Electric ("GE") and requires GE to undertake environmental cleanup measures, reimburse past and future government costs and provide compensation for natural resource damages through payment of funds and implementation of natural resource restoration projects. Collectively, GE's obligations have an estimated value of \$300-700 million. On October 26, 1999, the United States published notice of the proposed Consent Decree in the Federal Register and initiated a public comment period. 64 Fed. Reg. 576. The public comment period was extended twice and closed on February 23, 2000. 64 Fed. Reg. 68374 (December 7, 1999); 65 Fed. Reg. 4439 (January 27, 2000). The accompanying memorandum and exhibits


address the comments received on the Decree and demonstrate that this Court should approve the settlement.

The United States has carefully considered the **numerous comments** received on the proposed Decree, including those favoring and those objecting to the Decree. Many of the comments second-guess the technical adequacy of EPA's decisions regarding the protectiveness of the proposed cleanup, without recognizing EPA's technical expertise and the deferential review afforded to EPA's cleanup decisions. **Other** comments suggest **the** Decree should not be entered because **the** overall compensation is not sufficient, without acknowledging the risks, time and expense of litigating a case of this magnitude against GE. The United States has reviewed and responded to each comment regarding **the** Decree, and concluded that **the** United States should go forward with the settlement.

Because of the range of comprehensive benefits provided through **the** proposed settlement, including the comprehensive and expeditious cleanup of hundreds of acres and River miles, a cost recovery of over potentially \$70 million, and natural resource restoration, the negative comments fail to demonstrate that **the** Decree is not in the public interest. For the reasons set forth in the accompanying memorandum, the Decree is fair, reasonable, consistent with the goals of the Comprehensive Environmental Response, Compensation, and Liability Act, the Clean Water Act, and the Resource Conservation and Recovery Act and in **the** public interest. Therefore, and on the record of these consolidated actions, the United States

respectfully requests that this Court sign and enter the Decree as a final judgment pursuant to
Fed. R. Civ. P. 54(b) and 58.

Respectfully submitted,
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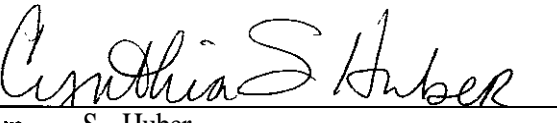
CERTIFICATE OF CONSULTATION

Counsel to the United States certify that they have conferred with counsel for the parties. As provided in the Decree, GE has consented to entry of the Decree. The Commonwealth of Massachusetts, the State of Connecticut, the City of Pittsfield **and the** Pittsfield Economic Development Authority assent to this motion and entry of the Consent Decree.


Cynthia S. Huber

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of July, 2000, I caused copies of the foregoing document and the attachment thereto to be served on counsel to the parties to this action and on counsel of the movants for intervention by first class mail.


Cyn S. Huber